

have is that I cannot see how a legislative body can sit down and write with language a code of ethics that will become kind of penal in character. They can do it with a conflict of interest statute, I have no problem there, but how do you do it across the broad breadth of elected state officials in Maryland?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: I think the General Assembly has gone part of the way when it sets up a committee in each branch of the General Assembly to police ethical conduct. I do not think it has gone far enough, however, because it has not stated what does constitute specifically by way of action or interest or non-disclosure, as the case may be, the acts or the items which either are considered to be ethical conduct, or unethical conduct. So specifically, I would say that the General Assembly has begun to comply with this conflict of interest provision, but has not yet fully done so.

THE PRESIDENT: Delegate Gallagher.

Delegate Gleason, could I interrupt your question to suggest a question that I think might clarify it?

If I understand your previous answers, you are suggesting that the purpose of the amendment is to make it clear that the General Assembly by law shall prescribe a code of ethics which would be analogous in style, at least, to say the canons of ethics adopted by the American Bar Association with respect to lawyers or the canons of judicial ethics, adopted with respect to judges, statements of proper and improper conduct, but that it is also contemplated that the General Assembly, by law, provide for an ethics board, for instance, to render interpretative decisions, or to decide questions of doubt as to whether particular conduct is or is not a violation of the canons or even to issue regulations to enforce the code of ethics; is this in essence what is contemplated?

DELEGATE GALLAGHER: Yes, sir. I believe that is an accurate description. I should say further when the General Assembly sets up an ethics committee in each of the houses of the General Assembly for itself, it is only covering some of the elected officials, namely, themselves, and not all state-elected officials.

THE PRESIDENT: Delegate Gleason, do you have any further question?

DELEGATE GLEASON: My only concern, Mr. President, and I say this to the

Chairman, is that I just cannot visualize myself having looked over rather carefully in the past federal statutes on conflict of interest, and how a statute handles this problem. I presume there is some method by which this can be done, and I supported this particular provision in the Committee, and I support it on the floor, and I am anxious that it not be watered down myself. But you know there is just a minimum standard that a General Assembly could meet to meet that standard, and I think we may be hurting ourselves rather than helping ourselves, and that is the reason I raised the question.

THE PRESIDENT: Delegate Boyles.

DELEGATE BOYLES: I would like to ask Chairman Gallagher a question, please, if I may.

THE PRESIDENT: Delegate Gallagher, do you yield to a question?

DELEGATE GALLAGHER: Yes, sir.

THE PRESIDENT: Delegate Boyles.

DELEGATE BOYLES: Is the intent of this section to provide a code of ethics for state officials and regulation of conflict of interest for elected officials, or would both the code of ethics and regulations of conflicts apply only to elected state officials, not appointed?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: Your latter phrase is correct. Both of these sections apply only to elected officials of the State of Maryland.

I might say that part of the recommendations made by Senator Dorsey's subcommittee of which these rules both applying to the House and Senate have been referred to, also covers conflict of interest for employees of the executive department. So there has been some attention already paid to another branch of the government.

THE PRESIDENT: Delegate Bennett, do you desire to be heard?

DELEGATE BENNETT: Well, Mr. President, in essence, Mr. Gallagher has answered my question. I was wondering whether this should apply only to elected officials and whether appointed officials should not be included in this, if we knock out the word "elected". You will remember, Mr. Gallagher, under the Kefauver code of ethics an appointed official could accept a ten-pound ham, but he could not accept a 12-pound ham. Do you not think that this